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August 15, 2007

Via ECF

Honorable William C. Conner
United States District Court
Southern District of New York
300 Quarropas Street, Room 630
White Plains, New York 10601

RE: *Henry v. Wyeth Pharmaceuticals, Inc., et al.*
05-cv-8106 (WCC)(LMS)

Dear Judge Conner:

We represent the plaintiff in the above-referenced matter. After our application yesterday for a pre-trial conference before Your Honor, we received from defendants a letter request for a pre-motion conference at which they will request permission to make a motion for reconsideration of the Decision and Order of Judge Colleen McMahon dated July 26, 2007. The defendants also appear to have already filed said motion without the Court's permission as is required by Your Honor's rules. We write to you to request that you deny defendants' request for a pre-motion conference, strike their motion for reconsideration from the Court's docket, and grant plaintiff's request for a pre-trial conference and/or date for trial.

With respect to any proposed motion for reconsideration, we consider such an action on the part of the defendants to be not only utterly futile, but a further desperate attempt to prolong the day of reckoning in this matter. The undersigned was personally present when Judge Casey clearly told the defendants' counsel in open court that moving for summary judgment in the first instance would be most likely a waste of time, although he could not stop them from making the motion. Nevertheless, defendants so moved. After two feet and ten pounds of motion papers containing numerous affidavits from witnesses and over eighty exhibits were submitted to the Court, Judge McMahon came down with a fifty-eight-page decision denying (in large part) defendants' motion. It is obvious from her thorough description of the facts, and her thoughtful recitation of the law, that she reviewed the parties' submissions in detail, and she properly found that there are many questions of fact in this case which preclude the relief defendants seek. Defendants now wish to have a third judge look at their case in the hope that a different conclusion will be reached. Such tactics go far beyond zealous representation.

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Defendants are seeking to avoid what has been coming to them for over two years, the trial of the first in a series of cases which will expose the covert but widespread racial discrimination which has been taking place within Wyeth Pharmaceuticals, Inc. in Pearl River, New York. The joint pre-trial order, proposed voir dire questions, and proposed jury charges have been already been submitted to the Court, and the case is trial-ready. It must no longer be postponed to allow defendants a third bite at the proverbial apple.

In light of the foregoing, we respectfully request that the Court deny defendants' request for a pre-motion conference, strike defendants' motion for reconsideration from the docket sheet in this case, and grant plaintiff's request for a trial date and/or pre-trial conference. In the event the Court grants defendants' request for a pre-motion conference, we request an extension of time to respond to defendants' already-filed motion for reconsideration until such date and time as is set by the Court at the pre-motion conference.

Thank you for your time and attention to this matter.

Very truly yours,

/s/
Steven A. Morelli (SM 4721)
Of Counsel

cc: James H. McQuade
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